

EXHIBIT B - CONDITIONS OF APPROVAL REVISED 5-4-2016
DRC2015-00069 FERRARA

Approved Development

1. This approval authorizes the construction of a three-phased winery with tasting room. The following provides a breakdown of the proposed phases:

Phase I

- The construction of a new 4,532 sf two story wine production building (Building #1) to include the following:
 - 688 sf tasting room
 - 704 sf administrative/offices
 - 1,449 sf indoor processing
 - 1,250 sf outdoor processing (crush pad)
 - 1,250 sf case storage
 - 254 sf restrooms/storage
- Access improvements including expansion of the existing driveway, expansion of an existing 60" culvert, installation of a new 18" culvert, and widening of the access road
- Installation of a new domestic water and septic system, new fire protection suppression system, and a new winery wastewater process system

Phase II

- The construction of a new 3,600 sf wine storage building (Building #2), including a 1,250 sf covered crush pad
- The conversion of an existing barn (Building #3) for additional wine storage
- The redistribution of uses from Building #1 to expand the tasting room and wine processing area
- Area of uses at completion of Phase II include:
 - 1,255 sf tasting room
 - 704 sf administrative/offices
 - 2,120 sf indoor processing
 - 2,500 sf outdoor processing (crush pads)
 - 6,250 sf case storage
 - 254 sf restrooms/storage

Phase III

- Redistribution of uses among Buildings #1 - #3 to be as follows:
 - Building #1
 - 704 sf administrative/offices
 - 3,399 sf indoor processing
 - 1,250 sf outdoor processing (crush pad)
 - 254 sf restrooms/storage
 - Building #2
 - 1,250 sf outdoor processing (crush pad)
 - 3,600 sf case storage
 - Building #3
 - 1,578 sf tasting room
 - 128 sf restrooms/storage
 - 668 sf commercial kitchen

2. This Minor Use Permit does not authorize special events as defined by Land Use Ordinance section 22.30.070.D.2.i.
3. This approval does not authorize other uses including bed and breakfasts, restaurants, or vacation rentals and any events associated with these uses.

Conditions required to be completed at the time of application for construction permits

Site Development

4. **At the time of application for construction permits**, submit a revised site plan showing all required parking spaces to the Department of Planning and Building for review and approval. Development shall be consistent with this revised and approved plan.
5. **At the time of application for construction permits**, all development shall be consistent with the approved and revised site plan, floor plan, and architectural elevations.

Biological Resources

6. **(BR-1) At the time of application for construction and/or grading permits**, the applicant shall clearly show all oak trees within 50 feet of grading and /or construction activities on the grading and/or construction plans. In addition to showing the limits of grading, the grading plans shall also designate which oak trees are to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline). Oak trees within 50 feet of grading activities, which are not designated for removal, shall be fenced and flagged for protection prior to permit issuance. Fencing shall be clearly shown on the grading plans to be located at the root zone for trees not designated for removal. For impacted trees, where grading activities will occur within the root zone, fencing may be placed at the limits of grading activities. Any tree removal associated with CalFire/County Fire vegetative clearance/modification requirements shall also be considered on the plans.
7. **(BR-2) At the time of application for construction and/or grading permits** the applicant shall submit an oak tree replacement plan to be reviewed and approved by the Environmental Coordinator for the oak trees identified to be removed. The plan shall provide for the replacement, in kind at a 4:1 ratio to mitigate for trees removed and at a 2:1 ratio to mitigate for trees impacted but not removed.

Access

8. **(TR-1) At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Reconstruct the existing site access driveway approach in accordance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways; and A-5a for sight distance standards.
9. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer

of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

10. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Drainage

11. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
12. **At the time of application for construction permits**, the applicant shall show the 100 year flood hazard boundary on the project plans.
13. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

Lighting

14. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

15. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by Cal Fire for this proposed project and dated March 8, 2016.

Services

16. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
17. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Biological Resources

18. **(BR-3) Prior to issuance of construction and/or grading permits**, the applicant shall submit satisfactory evidence to the County Department of Planning and Building that all of the agencies listed below have been contacted and provide verification of whether or

not the contacted agency required a permit associated with the project. Permits may include, but are not limited to:

- Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW),
- Clean Water Act Section 404 permit from the United States Army Corps of Engineers (USACE),
- Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges associated with construction activities, including a Stormwater Pollution Prevention Plan (SWPPP) with Best Management Practices (BMPs) for stormwater management, and/or
- Clean Water Act Section 401 certification from the Central Coast Regional Water Quality Control Board (RWQCB).

Where a permit is required, the Applicant shall provide a copy of all the conditions required by that agency to the County Department of Planning and Building. The County shall review these conditions for consistency with proposed plans and County conditions.

Additionally, after County review and approval of all required water quality permits, the Applicant shall 1) implement the agency-approved elements and keep in good working order **during construction/improvements/life of project** and, as applicable, **during operations**; and 2) maintain and make available to the County at all times an onsite, approved copy of all required permits.

Geology and Soils

19. **(GS-1) Prior to issuance of construction and/or grading permits**, the applicant shall submit final plans demonstrating compliance with the Geotechnical Engineering Report (Mid-Coast Geotechnical, Inc., October 26, 2015) and Percolation/Infiltration Data Report (Mid-Coast Geotechnical, Inc., October 26, 2015).
20. **(GS-2) Prior to issuance of construction and/or grading permits**, the applicant shall submit a drainage and erosion and sedimentation control plan in compliance with County Ordinance Section 22.52.110 and Section 22.52.120. The plans shall be prepared by a civil engineer to address both temporary and long-term drainage, sedimentation and erosion impacts.

Fees

21. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
22. **Prior to issuance of a construction permit**, the applicant shall pay the housing impact fee as required by Section 22.12.080.F.1, or may defer fee payment pursuant to Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to Section 22.12.080.F.3.

Health Department

23. **Prior to issuance of a construction permit** for the appropriate phase, the applicant shall obtain the appropriate Health Department permits. The Health Department will require at a minimum the following information:

- a. A Hazardous Materials Questionnaire.
- b. Evidence that there is adequate water to serve the proposal, on the site.
- c. If plan review for a cross connection determines that a device is necessary, then an annual device test shall be provided.
- d. The applicant shall obtain a health permit to function as a commercial kitchen. The applicant shall submit kitchen plans for review and approval by the Environmental Health Department.
- e. If water is made available to 25 or more employees at any one time, or to members of the public, then the applicant shall be required to have public water supply system.
- f. The applicant shall submit a site plan showing the location of water wells and the distance from wastewater systems.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Biological Resources

24. **(BR-4) Prior to final inspection or occupancy**, the applicant shall replace, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall plant at a 2:1 ratio for each tree impacted but not removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Replacement oak trees shall be from vertical tubes or deep, one-gallon container sizes.

25. **(BR-6)** Once trees have been planted and **prior to final inspection/occupancy**, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted and all measures installed to improve the long-term success of these trees. This letter shall be submitted to the Environmental Coordinator.
26. **(BR-7) Unless previously approved by the county**, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up

to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to “blow-overs”, 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.

Smaller trees (smaller than 5 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

Access

27. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements have been constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
28. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
29. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

Fire Safety

30. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

Landscaping

31. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection / establishment of the use**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.

Wastewater

32. Liquid waste generated by the winery operations must be discharged to a waste water system designed by a civil engineer with expertise in the design of winery wastewater systems and approved by the County Building Official or Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use. Prior to discharge of winery wastewater, the applicant shall submit documentation of a waste discharge permit or waiver issued by the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.

Planning Department

33. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

Time Limits (Phased)

34. This land use permit is a phased project as described in **Condition 1**. Each phase of this land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed ~~for each phase as indicated in Condition 1~~ on at least one approved building, as set forth in Land Use Ordinance section 22.64.080.A.2. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
35. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Biological Resources

36. **(BR-5) Unless previously approved by the county**, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless “establishing” new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to “blow-overs”, 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not

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Smaller trees (smaller than 5 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

Access

37. **(TR-2) On-going condition of approval (valid for the life of the project)**, Any gate constructed on a driveway taking access to a County maintained road where off-site grapes are delivered and/or product is exported from the site shall be a setback minimum of 75 feet from the traveled way of any road open to public traffic.
38. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Fees

39. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Templeton Area B Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

Drainage

40. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Outdoor Storage

41. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or landscaping, unless the storage area is not visible from any public road or adjacent properties.

Water Tanks

42. Any water tanks (including Fire Suppression Water Tanks) associated with the project shall be a neutral, non-contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.

Pomace

43. Solid vegetable waste from the winery (pomace) shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil

amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.

Commercial Kitchen

44. This approval does not allow the commercial kitchen to function as a restaurant (limited food service facility). The commercial kitchen is established as a secondary use to support the winery and other permitted events and not function as a stand-alone restaurant where made to order meals are served.